DETAILED ACTION

Response to Amendment

1. Claims 19-36 are pending.

2. Claims 19, 20, 26-29, 33, 35 and 36 having been amended.

3. The rejection of claim 19 under 35 USC 101 has been withdrawn in view of the amendments (8/20/2009).

4. The rejections under 35 USC 112 first paragraph are maintained, see below.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/20/2009 has been entered.

Response to Arguments

6. Applicant's arguments with respect to claims 19-36 have been considered but are moot in view of the new ground(s) of rejection. The Examiner further notes that any arguments directed to the separate dialing phase are irrelevant because it is recited only in the preamble, and is thus not given any patentable weight.

Claim Objections

7. Claim 28 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 27. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 27-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term "tangible" is not described in the specification to understand the metes and bounds of the term. The examiner suggests deleting “tangible” from claims 27-28.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 19-22, 25-28, 29-32, and 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kinnunen et al. (WO 03/100372)

As per claim 19, Kinnunen teaches the method comprising:

using a push-to-talk communication device during generation of an audio stream; (Page 3, lines 15-26, …*When using the PoC feature, the user pushes the transmission key in the earpiece of his terminal equipment*…)

in response to a user pressing a button on the push-to-talk communication device and starting to talk, receiving at a router server in a communications network an audio stream containing an utterance which includes an indication of an intended receiver of the audio stream; (Fig. 5 (31.1-31.2), Page 17, lines 25-34, …*it is possible for the user A', Bf, Cf to choose such individual users from his group, to whom he addresses the transmission just by uttering, for example, the keyword stored as the identifier corresponding to the user intended to be the recipient. In this way the user may transmit private messages directly only to this certain user of his choice*…)

buffering the received audio stream; (Page 17, lines 1-10, …*Buffering of packets and timing/sequencing of transmissions to recipients is controlled with the PoC server 31.1, 31.2*…)

performing a speech recognition process on the received audio stream to recognize the utterance contained therein; (Page 13, lines 18-25)

determining, if possible, an intended receiver of the audio stream in dependence upon the recognized utterance; and (Page 17, lines 25-34, *…it is possible for the user A', B', C' to choose such individual users from his group, to whom he addresses the transmission just by uttering, for example, the keyword stored as the identifier corresponding to the user intended to be the recipient. In this way the user may transmit private messages directly only to this certain user of his choice*…)

if an intended receiver was determined, transmittinq, to the determined intended receiver, the audio stream containing the utterance including the indication of the intended receiver of the audio stream, using a half-duplex communications service provided by a packet-switched network. (Page 17, lines 25-34, *…it is possible for the user A', B', C' to choose such individual users from his group, to whom he addresses the transmission just by uttering, for example, the keyword stored as the identifier corresponding to the user intended to be the recipient. In this way the user may transmit private messages directly only to this certain user of his choice*… page 18, lines 15-20 describe the packet switched network.)

As per claim 20, claim 19 is incorporated and Kinnunen teaches:

indicating the one or more possible intended receivers to a user; and receiving a selection signal from the user indicating the one or more determined possible intended receivers to which said audio stream should be transmitted. (Page 17 line 34 to

Page 18 line 2, …*The feature of the described kind can of course also be activated by hand as a menu selection, but in certain conditions it is more natural to do this by talking*…)

As per claim 21, claim 20 is incorporated and Kinnunen teaches:

wherein the indicating step further comprises generating an audio speech prompt corresponding to the one or more possible intended receivers; and outputting the generated audio speech prompt to the user. (Page 18, lines 22-29, …*If the VRE module finds the receiving party in its database, a confirmation of an established form is given, which indicates a successful choice of voice. The confirmation may be, for example, a short beep sound or a repetition of the keyword to the user*…)

As per claim 22, claim 19 is incorporated and Kinnunen teaches:

wherein when the determining step determines a plurality of intended receivers, the audio stream is transmitted to each of the determined receivers using a group call function of the half- duplex communications service. (Page 18, lines 6-13, … *The word "group", for example, may be stored as a keyword referring to the whole group*…)

As per claim 25, claim 19 is incorporated and Kinnunen teaches:

further comprising the steps of receiving a speech recognition activation signal from a user, wherein the speech recognition and determining steps are performed in

dependence on the receipt of such a signal. (Fig. 4a, there is a voice activity detection to check for voice regions, if there is no voice present the recognition engine isn't used.)

As per claim 26, claim 19 is incorporated and Kinnunen teaches:

monitoring audio streams transported by the half-duplex communications service; (Page 14, lines 21-23, …*Hereby the audio signal is processed with the VAD or VRE function 23 (416) during the transmission*…)

performing a speech recognition process on the monitored audio streams to determine the respective utterances contained therein; and (Page 14, lines 21-23, …*Hereby the audio signal is processed with the VAD or VRE function 23 (416) during the transmission*…)

if it is determined that a predetermined utterance is contained in any of the audio streams, signaling that the half-duplex communications service should cease transporting the audio stream. (Page 15, lines 15-11,…When the VRE function 23 finds the word over in the talk signal, the conclusion can be drawn that the intention is to end the transmission…)

Claims 27-28 are rejected for the same reasons as claim 19. The additional limitation of a data storage medium is inherent in Kinnunen, Page 7, lines 19-22, …*When implemented entirely on a software basis without any 20 additional equipment or components installed in the terminal equipment, the VOX feature as a combination of*

VAD and VRE functions significantly reduces variable costs... Software requires a computer readable medium to function.

Claims 29-32, and 35-36 are rejected for the same reasons as claims 19-22, 25-26. Fig. 1 teaches a system to function as the terminal equipment for the method as described in Kinnunen.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 23,33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen et al. (WO 03/100372).

As per claim 23, claim 19 is incorporated and Kinnunen teaches:

wherein the speech recognition process is performed only on a portion of the received audio stream when the intended recipient is indicated at the beginning of the audio stream. (Page 17, lines 11-24, Kinnunen teaches that a password can be provided prior to the sentence. Although the password is not necessarily the intended user, it would have been obvious that the name or identifier of the intended

recipient would be provided at the beginning of the audio stream because a person of common sense addresses a target individual before speaking to them.)

Claim 33 is rejected for the same reasons as claim 23. Fig. 1 teaches a system to function as the terminal equipment for the method as described in Kinnunen.

11. Claims 24 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen et al. (WO 03/100372) in view of Vysotsky et al. (US Patent # 5832063).

As per claim 24, claim 19 is incorporated and Kinnunen fails to teach, but Vysotsky teaches:

receiving an indication of the identity of a user who generated the message; (Vysotsky, column 5, lines 45-50, …*the arbiter 254, in turn, is coupled to a call completion and feature activation circuit 256 by a line 257 and by a voice verification circuit 255. Using this arrangement, voice verification is performed selectively when, for security purposes, it is important to verify the identity of a caller before responding to a particular command*…, A voice identification of the user teaches a means for receiving an indication of the identity of the user in the instant application.)

grammar selection means for selecting a user-dependent speech grammar for use by the speech recognition process in dependence on the identity of the user. (Vysotsky, column 8, lines 31-35, …*The speaker dependent speech recognition process, like the speaker independent speech recognition process, is based on hidden*

Markov models (HM) with the use of grammars..., The speaker dependent model is based on grammars where a voice verification ability has been disclosed in Vysotsky, column 5,lines 45-50. Thus, there would be a grammar selection means for selecting a user-dependent speech grammar dependent for the specific user if voice verification was performed on the individual.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to combine Vysotsky with Kinnunen to provide a way for a person who receives a message to know who sent the message to verify the identity of a caller. (Vysotsky, column 5, lines 45-50)

Claim 34 is rejected for the same reasons as claim 24. Fig. 1 teaches a system to function as the terminal equipment for the method as described in Kinnunen.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to PTO-892, Notice of References Cited for a listing of analogous art.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREG A. BORSETTI whose telephone number is (571)270-3885. The examiner can normally be reached on Monday - Thursday (8am - 5pm Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHEMOND DORVIL can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg A. Borsetti/
Examiner, Art Unit 2626

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Primary Examiner, Art Unit 2626 10/27/2008